

ALFRED THE GREAT

Asser's *Life of King Alfred*
and other contemporary sources



TRANSLATED
WITH AN INTRODUCTION AND NOTES BY
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PENGUIN BOOKS

Harmondsworth, 1983

Extracts from the laws of King Alfred

Alfred's law-code was probably drawn up in the late 880s or early 890s. It shows how the king sought to maintain social order, and at the same time it expresses his wider political and ideological aspirations; see above, p. 39.

The code begins with a list of chapter-headings numbered 1-120; of these, 1-43 refer to Alfred's laws, and 44-120 refer to the appended laws of Ine, king of the West Saxons (688-726).¹ There follows a series of quotations translated from the book of Exodus, representing the Law which Moses received from God on Mount Sinai, that is the Ten Commandments and the statutes which augmented them (Introduction, Prologue-Int. 48, in the modern numeration); the quotations are from Exodus xx, 1-3, 7-17, 23; xxi, 1-36; xxii, 1-11, 16-29, 31; and xxiii, 1-2, 4, 6-9, 13.² Alfred then considers how the Old Testament legislation for the Jews was modified for application to Christian nations, citing the letter sent by the Apostles to the Gentiles of Antioch, Syria and Cilicia, given in Acts xv, 23-9 (Int. 49-Int. 49.5). The first numbered 'chapter' of Alfred's code occurs at this point (Int. 49.6), and is a general affirmation derived from Acts xv, 29 in the 'Western' text of the New Testament). The extracts from the Bible now cease, and Alfred turns to review the subsequent history of law-giving, before coming to the main part of his own legislation.

[Int. 49.7] Afterwards, when it came about that many peoples had received the faith of Christ, many synods of holy bishops and also of other distinguished councillors were assembled throughout all the earth, and also throughout all the English people (after they had received the faith of Christ).³ They then established, through that mercy which Christ taught, that for almost every misdeed at the first offence secular lords might with their permission receive without sin the monetary compensation, which they then fixed; only for treachery

to a lord did they dare not declare any mercy, since Almighty God adjudged none for those who despised Him, nor did Christ, the Son of God, adjudge any for the one who betrayed Him to death; and He commanded everyone to love his lord as Himself.

[Int. 49.8] Then in many synods they fixed the compensations for many human misdeeds, and they wrote them in many synod-books, here one law, there another.

[Int. 49.9] Then I, King Alfred, gathered them together and ordered to be written many of the ones that our forefathers observed — those that pleased me; and many of the ones that did not please me I rejected with the advice of my councillors, and commanded them to be observed in a different way.⁴ For I dared not presume to set down in writing at all many of my own, since it was unknown to me what would please those who should come after us. But those which I found either in the days of Ine, my kinsman, or of Offa, king of the Mercians, or of Æthelberht (who first among the English people received baptism), and which seemed to me most just, I collected herein, and omitted the others.⁵

[Int. 49.10] Then I, Alfred, king of the West Saxons, showed these to all my councillors, and they then said that it pleased them all to observe them.

[§ 1] 2. First we enjoin, what is most necessary, that each man keep carefully his oath and his pledge.⁶

[§ 1.1] If anyone is compelled wrongfully to either of these, either to treachery to a lord or to any unlawful aid, then it is better to leave unfulfilled than to carry it out.⁷

[§ 1.2] If, however, he pledges what it is right for him to carry out and leaves it unfulfilled, he is with humility to hand over his weapons and his possessions to his friends for keeping, and be forty days in prison at a king's estate;⁸ he is to do penance there as the bishop prescribes for him, and his kinsmen are to feed him if he has no food himself.

[§ 1.3] If he has no kinsmen and has not the food, the king's reeve is to feed him.

[§ 1.4] If he has to be forced thither and he refuses to go otherwise, when he is bound, he is to forfeit his weapons and his property.

[§ 1.5] If he is killed, he is to lie unpaid for.

[§ 1.6] If he escapes before the time, and he is captured, he is to be forty days in prison as he should have been before.

[§ 1.7] If he gets away, he is to be outlawed and to be excommunicated from all the churches of Christ.

[§ 1.8] If, however, there is any secular surety, he is to pay compensation for the breach of surety as the law directs him, and for the breach of pledge as his confessor prescribes for him.

[§ 2] On taking sanctuary in any one of the monastic houses to which the king's food-rent belongs,¹⁰ or in some other privileged community;

[§ 3] On penalties for violating the surety or protection extended by king, archbishop, bishop or caldorman.

[§ 4] 5. If anyone plots against the king's life, by himself or by means of the harbouring of fugitives or his men,¹¹ he is to be liable for his life and all that he possesses.¹²

[§ 5] If he wishes to clear himself, he is to do it by [an oath equivalent to the king's wergild].¹³

[§ 6] Thus also we establish for all ranks, both *ceorl* and noble:¹⁴ he who plots against his lord's life is in return to be liable for his life and all that he possesses, or is to clear himself by [an oath equivalent to] the lord's wergild.

[§ 7] On taking sanctuary in a church consecrated by a bishop, and on penalties for thefts committed on certain holy days; [§ 6] On punishment for theft from a church.

[§ 7] 8. If anyone fights or draws his weapon in the king's hall, and he is captured, it is to be at the king's judgement – either death or life, as he wishes to grant him.

[§ 7.1] If he gets away, and is afterwards captured, he is always to pay for himself according to his wergild, and he is to pay compensation, either wergild or fine, for the crime in accordance with what he deserves.

[§ 8] On the penalty for bringing a nun out of a nunnery without permission,¹⁵ and related matters; [§ 9] On the compensation due when a pregnant woman is killed, and on scales of fines in general.

[§ 10] 11. If anyone lies with the wife of a twelve-hundred man, he is to pay 120 shillings compensation to the husband; to a six-hundred man, he is to pay 100 shillings compensation; to a *ceorl*, he is to pay forty shillings compensation.¹⁶

[§ 11] On penalties for assaulting women; [§ 12] On penalties for burning and felling wood belonging to another man; [§ 13] On accidental death caused by a falling tree; [§ 14] On the father's liability for the misdeeds of the deaf and dumb; [§ 15] On penalties for fighting, etc., in the presence of archbishop, bishop or ealdorman; [§ 16] On penalties for theft of cows or mares and for driving off their young; [§ 17] On the death of someone's dependant while being fostered by someone else; [§ 18] On penalties for assaulting nuns, and on penalties incurred by betrothed women of varying social status who commit fornication; [§ 19] On a man's liability in case of crime committed with weapons lent by him to someone else, and on the obligations of those who repair weapons or tools belonging to others; [§ 20] On the loss of property lent to another man's monk, without the permission of the monk's lord; [§ 21] On the treatment of a priest who kills someone.

[§ 22] 20. If anyone brings a charge in a public meeting of a king's reeve,¹⁷ and afterwards wishes to withdraw it, he is to bring it against a more likely person, if he can; if he cannot, he is to forfeit his compensation.¹⁸

[§ 23] On the owner's liability for offences committed by his dogs; [§ 24] On the owner's liability for injury committed by his cattle; [§ 25] On

penalties for raping slave-women; [§§ 26–8] On penalties for the murder of men of varying social status, committed by a member of a band, and on the liability of the other members of the band; [§ 29] On the penalty for raping a girl not of age; [§ 30] On the liability of the maternal kinsmen and associates of a man without paternal kinsmen who kills another man; [§ 31] On the distribution of the penalty due for killing a man without kinsmen; [§ 32] On the punishment for public slander; [§ 33] On procedure when a man accuses another man of failing to carry out a promise made in God's name.

[§ 34] 31. Moreover, it is prescribed for traders: they are to bring before the king's reeve, at a public meeting, those men whom they are taking with them into the country, and it is to be established how many of them there are; and they are to take with them such men as they are able thereafter to bring to justice at a public meeting; and whenever it is necessary for them to have more men out with them on their journey, it is always to be made known, as often as may be necessary for them, to the king's reeve in the witness of the meeting.¹⁹

[§ 35] On the penalties for maltreating an innocent *ceorl*; [§ 36] On procedure when someone is wounded by a spear carried over a man's shoulder.

[§ 37] 34. If anyone from one district wishes to seek a lord in another district,²⁰ he is to do so with the witness of the ealdorman in whose shire he previously served.

[§ 37.1] If he does so without his witness, he who receives him as his man is to pay 120 shillings as a fine; he is, however, to divide it, half to the king in the shire in which he previously served, and half in that to which he has come.²¹

[§ 37.2] If he has committed any crime where he was before, he who now accepts him as his man is to pay compensation for it, and 120 shillings to the king as a fine.

[§ 38] 35. If anyone fights at a meeting in the presence of the king's ealdorman, he is to pay wergild and fine in accordance with the law, and before that 120 shillings to the ealdorman as a fine.

[§ 38.1] If he disturbs a public meeting by drawing a weapon, he is to pay 120 shillings to the ealdorman as a fine.

[§ 38.2] If anything of this kind takes place in the presence of the deputy of the king's ealdorman, or in the presence of a king's priest, he is to pay thirty shillings as a fine.

[§ 39] 36. If anyone fights in the house of a *ceorl*, he is to pay six shillings compensation to the *ceorl*.

[§ 39.1] If he draws a weapon and does not fight, it is to be half as much.

[§ 39.2] If either of these things happens to a six-hundred man, the compensation is to amount to three times the compensation due to a *ceorl*; if to a twelve-hundred man, to double the compensation due to a six-hundred man.

[§ 40] The fine for forcible entry into the king's residence is 120 shillings; the archbishop's, ninety shillings; another bishop's or an ealdorman's, sixty shillings; a twelve-hundred man's, thirty shillings; a six-hundred man's, fifteen shillings; for forcible entry into a *ceorl*'s enclosure, five shillings.²²

[§ 40.1] If anything of this kind takes place while the army is out, or during the Lenten fast, the compensation is to be doubled.

[§ 40.2] If anyone openly disregards the ecclesiastical laws during Lent without permission, he is to pay 120 shillings compensation.

[§ 41] In the case of a man who has bookland²³ which his kinsmen left to him, we establish that he may not dispose of it outside his kindred, if there is a document or witness to show that it was the injunction of those men who acquired it in the first place and of those who gave it to him, that he could not do so;²⁴ and that is then to be declared in the witness of the king and of the bishop, in the presence of his kinsmen.²⁵

[§ 42] 38. Moreover we command: the man who knows his enemy

to be dwelling at home is not to fight before he asks justice for himself.

[§ 42.1] If he has enough power to surround his enemy and besiege him at home, he is to keep him therein for seven days and is not to fight against him if the enemy is content to remain inside; and then after seven days, if the enemy is willing to surrender and give up his weapons, he is to keep him unharmed for thirty days and send notice about him to his kinsmen and to his friends.

[§ 42.2] If, however, the enemy reaches a church, it is then to be dealt with according to the privilege of the church, as we have declared above.²⁷

[§ 42.3] If, however, he does not have enough power to besiege him at home, he is to ride to the ealdorman and ask him for support; if he is not willing to give him support, he is to ride to the king, before having recourse to fighting.

[§ 42.4] Also, if anyone encounters his enemy, and he did not previously know him to be at home: if he is willing to give up his weapons, he is to be kept for thirty days and his friends informed about him; if he is not willing to give up his weapons, then he may fight against him. If he is willing to surrender and to give up his weapons, and after that anyone fights against him, he [who does so] is to pay wergild or wound²⁸ in accordance with what he has done, and a fine, and is to have forfeited [his right to avenge] his kinsman.²⁹

[§ 42.5] Moreover we declare that a man may fight on behalf of his lord, if anyone is fighting against the lord, without incurring a feud; similarly, the lord may fight on behalf of his man.

[§ 42.6] In the same way, a man may fight on behalf of his born kinsman, if anyone attacks him wrongfully, unless it is against his lord: that we do not allow.³⁰

[§ 42.7] And a man may fight without incurring a feud if he finds another man with his lawful wife, behind closed doors or under the same blanket; or if he finds another man with his legitimate daughter,

or with his legitimate sister, or with his mother who was given as lawful wife to his father.

[§ 43] 39. These days are to be given to all free men, but not to slaves and unfree labourers: ³¹ twelve days at Christmas; and the day on which Christ overcame the devil [15 February]; and the anniversary of St Gregory [12 March]; and the seven days before Easter and the seven after; and one day at the feast of St Peter and St Paul [29 June]; and in harvest-time the whole week before the feast of St Mary [15 August]; and one day at the feast of All Saints [1 November]. And the four Wednesdays in the four Ember weeks ³² are to be given to all slaves, to sell to whomsoever they please anything of what anyone has given them in God's name, or of what they can earn in any of their spare time.

[§§ 44-77] *On the compensations due for injuries to the various parts of the body;* ³³ this section of the code is arranged as chapters 40-43, and the laws of King Ine, arranged as chapters 44-120, follow. ³⁴

The treaty between Alfred and Guthrum

This document illustrates one aspect of King Alfred's political activity in the interval between his victory over Guthrum in 878 and the Viking invasion of 892: see above, pp. 37-9. It was drawn up in or soon after 886 (when Alfred seized London), since London is left under Alfred's control, and certainly before 890 (when Guthrum, king of the Vikings of East Anglia, died). It defines the boundary between 'English' England and the southern Danelaw, and regulates relations between the native population and the Danish settlers.

Prologue. This is the peace which King Alfred and King Guthrum and the councillors of all the English race and all the people who are in East Anglia have all agreed on and confirmed with oaths, for themselves and for their subjects, both for the living and for the unborn, who care to have God's favour or ours.

§ 1. First concerning our boundaries: up the Thames, and then up the Lea, and along the Lea to its source, then in a straight line to Bedford, then up the Ouse to Watling Street. ¹

§ 2. Next, if a man is slain, all of us estimate Englishman and Dane at the same amount, at eight half-marks of pure gold; ² except the *eorl* who occupies rented land and their freedmen - these also are estimated at the same amount, both at 200 shillings. ³

§ 3. And if anyone accuses a king's thegn of manslaughter, if he dares to clear himself he is to do it with twelve king's thegns. ⁴ If anyone accuses a man who is of lesser degree than a king's thegn, he is to clear himself with eleven of his equals and with one king's thegn. And so in every suit which involves more than four mancuses; and if he dare not clear himself, he is to pay for it with threefold compensation, according to its valuation. ⁵